



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/892,706

06/27/2001

Frank Bahren

Westphal.6312

4687

7590

04/20/2006

Patrick J. O'Shea
O'Shea, Getz & Kosakowski P.C.
1500 Main Street
Suite 912
Springfield, MA 01115

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,706	BAHREN ET AL.	
	Examiner	Art Unit	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responded to RCE filed 1/24/06. The amended/consideration has been considered. Claims 6-25 are pending for examination, the rejection cited as stated below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner found no support in the specification for the amended limitation "the peer-to-peer point-to-point configuration". The most applicant talks about are the network 100 illustrate in Fig.1 of applicant's drawing, it appears to the Examiner that the network 100 in Fig.1 is the ring network.

Claim Rejections - 35 USC § 103

Art Unit: 2143

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant admitted Prior Art (AAPA) and Angwin (US 6,246,688).

Applicant admitted that a first network such as MOST, and network units, such as CD, DVD, etc, were prior art (see specification, page. 1, paragraph 1-2). The AAPA does not include a proxy for communication with another units, and a first network units, which functioned as a gateway to second network, e.g., Internet, or the like, and Application Program Interface (API) for communication with the proxy in the other network units. However, Since, the instant disclosure does not explicitly define the term "proxy", "structural of the proxy" or "process of the proxy", therefore, term "proxy" could be read into any type of interface, which enable a network unit to communicate with an interfaces of another network units. Since the MOST is known and since the units in the Most readily communicated to each other, i.e., network together, the proxy, therefore, apparently, is an inherent feature in the MOST.

Thus, the only issue that was left off from AAPA is a device that functions as a gateway to an external network, e.g., telephone.

However, in the same field of endeavor, Angwin teaches a system that using cellular phone as a gateway for an automotive network (title of the patent). Angwin is

Art Unit: 2143

motivated by cost and complexity of installing radio transmission, the needed of controlling hi-technology equipments, which are widely utilized in vehicles, an emergency situations with may required to access the vehicle from outside, and last but not least, a readiness of telephone device, at the time (Col. 1, lines 25-65). Angwin teaches an inventive concept of using a telephone as a gateway for the devices in a network of a vehicle. Angwin further suggests, at the time of his invention was made, the phone that built in network and application stacks gad readily existed in the art (Col. 1, lines 53-65). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to take advantage of an inventive concept suggested by Angwin, by combining the existing technology, i.e., a phone with IP and API stacks, with another existing network technology, such as the MOST, because it would enhance a capability of the devices in the existing network by enabling them to access external network, such as, Internet, with a minimum cost and complexity.

Response to Arguments

Applicant's arguments filed 2/03/06 have been fully considered but they are not persuasive.

Applicant asserts that the configuration of the claimed invention reduces the number of requests to the Internet, since the page requested by a unit may be in the proxy of one of the other units... Examiner statement on pg.7 of office action is "incorrect". Examiner finds no support for this assertion anywhere in the claim and/or specification. Applicant simply mention the word Proxy without given any description or

Art Unit: 2143

meaning for this proxy, specially using proxy to reduces the number of requests to the Internet, since the page requested by a unit may be in the proxy of one of the other units.

Applicant amends the claim to add "peer-to-peer point-to point configuration" to the independent claims. The entire applicant's specification mentions nothing about "peer-to-peer point-to point configuration". Applicant amends the claim in such a way to overcome the prior art. Even, the specification support the "peer-to-peer point-to point configuration", the concept of peer-to-peer network is well know in the art at the time the invention was made (see the cited art Philyaw et al (US pat 7,010,577) and Immonen et al (Us pat 7,006,472)).


Applicant further argued a plurality of unit, adopting a concept of singularity to a plurality is a mere replication, which is obvious and not patentable distinct (*In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272- 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER